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Executive Summary
Report on the investigation of human rights violations in East Timor

Jakarta, January 31, 2000

Part I
Introduction

After the Indonesian Government announced the two options on January 27,>1999 concerning the future of East Timor, that is, to either accept or reject special autonomy, agreements were signed in New York on May 5, 1999 between the Indonesian and Portuguese Governments under the umbrella of the UN. The agreements covered the implementation of the popular consultation in East Timor, including provisions governing the maintenance of peace and security in East Timor.

Since the two options were offered, especially after the announcement of the results of the popular consultation, various forms of violence developed that are considered gross violations of human rights.

Faced with these facts, KOMNASHAM issued a statement on September 8, 1999.The first point reads, "at the time the lives of the East Timor people had reached a state of anarchy and acts of terrorism by both individuals and groups were widespread, witnessed openly and allowed by the security apparatus".

Both the local and international community were gravely concerned by the situation that developed in East Timor. The UN Human Rights Commission convened a special session in Geneva on 23 27 September 1999 concerning the East Timor plight. This was only the fourth special session held since the commission was formed 50 years ago. This shows the serious assessment of the international community concerning the human rights violations that occurred in East Timor.

Simultaneously, on 22 September 1999, the National Human Rights Commission (KOMNASHAM) established the Commission for Human Rights Violations in East Timor (KPP-HAM) in Resolution No. 770/TUA/IX/99, which was revised in Resolution No. 797/TUA/X/99 dated 22 October 1999. These resolutions were issued in light of the mounting human rights violations in East Timor after the popular consultation and take into consideration Law No. 39/1999 concerning Human Rights and Regulation No. 1/1999 concerning the Human Rights Court.

KPP-HAM's mandate was to gather facts, data and information concerning violations of human rights that occurred in East Timor from January 1999 until the Parliament Ruling of October 1999 that ratified the results of the popular consultation. The investigation focused on whether genocide, mass murders, torture, forced deportment, gender-related crimes and a scorched-earth campaign occurred. KPP-HAM was also assigned to investigate the involvement of the state apparatus and other institutions. The assignment continued from 23 September 1999 until December 1999, and was then extended until 31 January 1999 by the Resolution from the Chairman of KOMNASHAM No. 857/TUA/XII/99 dated 29 December 1999.

KPP-HAM's authority, in line with Article 89 (3) of Law No. 39/1999 concerning Human Rights and Articles 10 and 11 of Regulation No. 1/1999 concerning the Human Rights Court, is to conduct an investigation and inspection concerning reports of human rights violations in East Timor, request statements from victims, summon and question witnesses, gather evidence and inspect several sites, including buildings required for the purpose of the investigation upon approval of the Chief Justice. Furthermore, KPP-HAM was authorized to inspect and request government documents for the purpose of the investigation upon approval of the Chief Justice, provide protection for witnesses and victims and process and analyze the facts discovered in the interest of prosecution and publication.

The report of the results of the KPP-HAM investigation was submitted to KOMNASHAM who then submitted the report to the Attorney General for the purpose of investigation and prosecution in the Human Rights Court.

KPP-HAM consists of 9 members, 5 members from KOMNASHAM and 4 human rights activists. In carrying out its assignment, KPP-HAM was assisted by a team consisting of 13 assistant investigators, 14 secretariat staff and 3 resource persons. During the course of the assignment, one of the members of KOMNASHAM resigned because he became the Attorney General.

To carry out its task, KPP-HAM established work procedures and systems in line with Criminal Law Procedures and in fulfillment of international standards, particularly those contained in the Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions and the Guidelines for the Conduct of United Nations Inquiries into Allegation of Massacres. The KPP-HAM investigation was impartial and was not focused on the accountability of a certain group that was involved in violations of human rights in East Timor.

The process began by gathering secondary and tertiary information concerning human rights violations from both printed and electronic mass media publications, reports of institutions/organizations and individual complaints. The information was computerized and process using the HURIDOC program. The data was then analyzed and re-verified through the inspection of evidence, documents, witness testimony and field inspections and interviews and questioning of parties who were involved in human rights violations.

KPP-HAM conducted six field inspections to Kupang NTT, three visits to East Timor and inspected a mass grave in NTT. An expert forensics team accompanied KPP-HAM to inspect the mass grave. KPP-HAM also gathered new information, interviewing 55 victims, 23 witnesses and 45 other people who were involved in human rights violations.

KPP-HAM met three times with the UN-established International Investigation Commission for East Timor to exchange information. However, evidence was not exchanged, as an agreement concerning the protocol of cooperation was not reached.

To facilitate its work in the field, KPP-HAM opened a secretariat office in Kupang, staffed with three assistants who were assigned to expedite secretariat activities, arrange documents and communications, prepare witnesses and assist with the evacuation of witnesses and their families.

Part II
POST BALLOT EAST TIMOR
RELATIONSHIP BETWEEN THE CIVIL AND MILITARY AUTHORITIES AND THE MILITIAS

The violence in East Timor escalated after the Indonesian military invaded the territory in 1975 and established and promoted armed civilians who were later called WANRA, or People's Security Forces. Some of these community security personnel were incorporated into the Indonesian Army through a military training program and were salaried as regular soldiers. The military top brass called these soldiers TNI Sons of the Soil and they were only assigned to East Timor to assist the TNI operations there. The elite of the pro-integration groups were made government officials, as was the case of Joao Tavares, who became the Regent of Bobonaro, while commanding the Halilintar militia.

The situation in East Timor after the Indonesian Government offered the two options changed drastically. The May 5, 1999 Agreement in New York provided opportunity for international observers to monitor human rights violations and the Indonesian Government's responsibility to uphold peace and security in East Timor. At the same time, various political and security policies were introduced which strengthened the armed civilian security groups, or militias. Violence increased and the pro-independent supporters began to react. The violence continued in line with the need to ensure that special autonomy was chosen.

After the two options were offered, more militia units were established and manned by young men. A report from the Udayana Commander Major General Adam R. Damiri to the Coordinating Minister of Politics and Security declared that the pro-integration movement was directed by young men who formed the Love Red & White organization. Other reports stated that the young men who formed the Love Red & White organization were originally members of the Gada Paksi and Garda Muda Penegak Integration youth organizations that were established, trained and funded by Kopassus (elite forces) from 1994-1995. Eurico Gutteres, the commander of the Aitarak militia in Dili was a prominent leader of the Gada Paksi. The militias then grouped together as the Integration Struggle Force (PPI), with Joao Tavares as its commander. The deputy commander was Eurico Guterres and the head of staff was Herminio da Costa da Silva. The pro-integration groups, according to the Regents and Governor of East Timor, were called Pam Swakarsa. The presence of the militias was acknowledged by TNI General Wiranto and noted in Contingency Plan.

In follow-up to this acknowledgement of the pro-integration militias, a massive program of support was launched involving the military apparatus at various levels. The goal of the program was to breakdown the domination of pro-independence groups while developing the domination of the pro-integration movement among the people.

From the facts gathered, it is very clear there was a relationship between the pro-integration militias and the military. Most of the leadership and core cadre were former members of the community security forces such as Kamra [People's Security, Wanra People's Defense, Garda Paksi, Hansip [civil guard that worked with the army] and members of the army itself. They were trained and armed with weapons that included SKS, M16, Mauser, G-3, grenades and pistols and left over Portuguese rifles. From witness testimony received by KPP-HAM, arms were supplied to the militias by the Commander of Tribuana Unit and Commander of Suai military district. The relationship was seen also in the joint operations and patrols.

The TNI's support of such operations caused the police to be unable to function and take legal action in cases of violence, such as the attack on the Liquica Church.

Based on the facts above, we see that, first, there was a strong relationship and linkage between the TNI, Polri, government bureaucracy and the militias. Second, the violence that occurred in East Timor beginning after the announcement of the offer of the two options until the period after the results of the popular consultation were announced was not caused by a civil war but was the result of a systematic campaign of violence.

Pattern of Violations of Human Rights: Crimes Against Humanity

Based on facts, documentation, information and witness testimony, KPP-HAM not only found actions that could be classified as gross human rights violations for which the state is responsible, but also found evidence of crimes that could be classified as crimes of universal jurisdiction. These crimes included systematic and mass murder; extensive destruction, enslavement, forced deportations and displacement and other inhumane acts committed against the civilian population. These acts constitute a gross violation to the right to life, the right to personal integrity, the right to liberty, the right of movement and residence and the right to property, as seen in the following Table.

Systematic and mass murders

Much information and evidence was gathered, proving that extra-judicial acts of violence and murder of a number of people continued with cruelty and brutality. Murders occurred in residential areas, in churches and in places where refugees fled, such as military and police headquarters.

Torture and ill treatment

In almost every case of violence committed by members of the TNI, POLRI and militias, there is proof that the civilian public was subject to torture and ill treatment due to their differing political views. Before the popular consultation, the militias tortured and ill-treated civilians who refused to become militia members. After the announcement of the results of the popular consultation, terror, intimidation and death threats occurred during every attack and assault and destruction of physical infrastructure, including attacks on fleeing refugees.

Enforced disappearances

Enforced disappearances occurred since the announcement of the two options offer. Citizens with different political views were intimidated, threaten and some disappeared. The militias were responsible for these enforced disappearances. The militias are suspected to have received support from the security apparatus regarding such kidnappings or summary executions.

Gender-based violence

The evidence of the militias committing acts of violence against women gathered by KPP-HAM involved torture, forced sex with underage girls, sex slavery and rape. The rap of East Timor women took the following forms:

(a) a perpetrator and one women,
(b) more than one perpetrator and one women,
(c) gang rape of a number of women in one location, and
(d) use of a certain location for repeated acts of rape.

Forced displacement of civilians

The information and evidence gathered by KPP-HAM shows two patterns of forced displacement of the population, that is, the displacement that occurred before the popular consultation due to increased violence from newly formed militias and the displacement that occurred after the announcement of the results of the vote when members of the TNI, POLRI and militias committed violent acts and forced the population to flee.

Scorched-earth campaign

KPP-HAM found evidence in East Timor that a planned, systematic and massive scorched-earth campaign was launched in various cities including Dili, Suai, Liquica and others. The scorched-earth campaign destroyed residences, crops and livestock, stores, shops, hotels, office buildings, places of worship, education facilities, hospitals and other public infrastructure and facilities, and military and police installations. It is estimated that the destruction reached 70-80%.

General pattern of violence

The crimes against humanity described above show a systematic program that resulted from extensive planning. This is evident from the following:

Period after announcement of the two options

Formation and re-activation of armed civilian groups who were mobilized in the name of pro-integration and security. These groups were under the direct coordination of the TNI.

The mobilization of the militia forces to support the pro-integration faction was accomplished through political terror. Murder, kidnappings and forced displacement were committed by members of the TNI, POLRI, government bureaucracy and the militias.

The mobilization of the militia forces was in line with various policies of the military leadership and the Coordinating Minister of Politics and Security that played a large role in creating conditions in the interest of a special autonomy victory and involved the Tribuana Task Force and the P4OKTT Task Force.

Period after the New York Agreement

Violence involving members of the TNI and POLRI abated drastically in May 1999 when the New York Agreement was signed on May 5, 1999. Through cantonment and the establishment of the Indonesian Task Force (P3TT), the Indonesian Government attempted to show its neutrality in the interest of the success of the popular consultation. However, policies initiated in Jakarta called for preparation in the even of failure of the 1st Option. These plans called for a general retreat and relocation of the people for their welfare, stating UNAMET partiality and pro-independence retaliation as the grounds for these actions.

Period after the popular consultation

After the popular consultation, violence increased drastically throughout East Timor, including murders, kidnappings, rape, property destruction, theft of homes and property, the burning and destruction of military installations, offices and civilian residences, with the goal of forced deportation. Members of the TNI, POLRI and the militias were the key figures responsible for this campaign which involved the creation of conditions, choice of acts committed, scheduling and planning of the forced deportation. This campaign was initiated to convince the international community that the results of the popular consultation should be doubted and that the people of East Timor would rather choose to live safely in West Timor.

Acts of violence and intimidation were directed at news reporters and officials of various international agencies.

The final stage of the violence campaign has been the continued cooperation of the TNI and militias to keep the refugees in West Timor in their camps. The distribution of the refugees shows the effective control of these camps by the militias and TNI through the end of October 1999.

Part IV
PRIMARY CASES

KPP-HAM forced its attention on a number of primary cases during the period from January 1999 to October 1999. These cases include: the massacre at the Liquica Church on April 6; the kidnapping of 6 Kailako, Bobonaro villagers on April 12; the murder of a civilian in Bobonaro; the attack on Manuel Carrascalao's home on April 17; the attack on the Dili Diocese on September 5; the attack on the house of Bishop Belo on September 6; the burning of people's homes in Maliana on September 4; the attack on the Suai Church complex on September 6; the murder at the Maliana Police Headquarters on September 8; the murder of the Dutch journalist, Sander Thoenes, on September 21; the murder of a group of priests and journalists in Los Palos on September 25; and acts of violence against women.

Massacre at the Liquica Church complex

On April 6, the Besi Merah Putih militia, armed with guns and sharp weapons and supported by the district military command, attacked refugees seeking protection in the Liquica Church complex. The refugees had fled there because they had been terrorized by the militia. During the attack, approximately 30 people died. The police apprehended the civilian members responsible but let them go. The TNI did nothing regarding its members who were involved. Five bodies were taken away by the police and buried on the instruction of the district military command. The other corpses were thrown in Masin Lake on order of the TNI (Rajawali Troops).

Murder of Kailaco villagers

On 12 April 6 people were kidnapped by the subdistrict military command in Kailaco working together with the Halilintar militia. They were brought to the subdistrict military command, then taken to the house of Manuel Soares Gama and murdered.

On April 12 as well there was a retaliation by a group believed to be Falintil against Manuel Soares Gama's group as they were travelling from Maliana to Kailako. Three people were killed, including Manuel Soares Gama. In addition, two other TNI members were killed in the attack. Four persons were wounded.

The TNI and Halilintar militia retaliated the next day, April 13, capturing six local citizens. After the six people were interrogated and torture at the subdistrict military command and later executed publicly. The execution was led by the Lt. Col. Burhanuddin Siagian, head of the district military command of Bobonaro and Joao Tavares, commander of the militia forces (PPI). The six corpses were then thrown into the Marobo River.

Attack on the home of Manuel Carrascalao

On April 17, 1999, a mass gathering attended by 5,000 pro-integration supporters from the 13 districts of East Timor was held in front of the East Timor Governor's office. The gathering was called to confirm the appointment of Eurico Gutteres as commander of the Aitarak militia. Some of the militia members destroyed the office of the Suara Timor Timor newspaper. Towards the late afternoon, the home of Manuel Carrascalao was attacked by Besi Merah Putih and Aitarak militias. The victims of the attack were refugees who had fled from Liquica, Alas and Turiscai seeking protection at the home of Manuel Carrascalao and his son, Manuelito Carrascalao. 15 people died in the attack. The surviving 50 refugees, including the families of Manuel Carrascalao and CNRT leader Leandro Isaac, were taken by the Police to Police Headquarters.

Attack on the Dili Diocese

On September 5, 1999, the situation in Dili had deteriorated, with shots fired repeatedly, houses burned and destroyed. During this chaos, besides the fleeing refugees, security forces made up of TNI and POLRI troops were patrolling the streets. Witnesses said they saw militias dressed in black with Aitarak printed on their

shirts and wearing red and white head bands attack the refugees who were seeking protection at the Camra Eclesestica (Dili Diocese) and then set fire to the diocese. During this event, 25 victims died.

Attack on the home of Bishop Belo

On September 6, a TNI Lieutenant Colonel entered the home of Bishop Belo to request that the Bishop leave his residence and be evacuated to Police Headquarters. After Bishop Belo left his residence, a group of militias, including those dressed in Aitarak uniforms, began to attack around 5,000 refugees who were seeking protection in the complex. The refugees were forced to obey the militias and leave the complex, which was then burned. At least 2 people died in this attack.

Massive destruction and murders in Maliana

On September 4, there occurred massive destruction and burning of peoples' homes in Maliana. Approximately 80% of the buildings in the town were destroyed. From August 30, Maliana was under the control of the TNI, POLRI and the Dadurus Merah Putih and Halilintar militias who restricted movement in and out of the area, especially those who were considered pro-independence and the staff of UNAMET. During this reign of destruction, the perpetrators also kidnapped and killed two local UNAMET staff and pro-independence activists. Villagers attempting to flee were attacked with guns and sharp weapons. Since that time, the militias set up checkpoints in the Bobonaro district, especially in Memo and Batugade, to inspect refugees fleeing to West Timor. Several witnesses said that a number of refugees had disappeared after being stopped at these checkpoints.

On September 8, people seeking refuge in the Maliana police station were killed by the Dadurus Merah Putih militia with the direct support of members of the TNI and POLRI. At least 3 people died.

Massacre in the Suai Church complex

On September 4, the Laksaur militia and members of the TNI in Debos Hamlet caused the death of a high school student. Consequently, villagers fled for refuge in the Nossa Senhora de Fatima Church and the Ave Maria Suai Church, where many refugees had been staying for a while. On the evening of September, residences and government buildings in Suai were burned down by the Laksaur militia and members of the TNI. Commencing September 6, villagers were forced from their homes. The Suai subdistrict military commander, 1st Lieutenant Sugito took part in the burning and pillaging.

On September 6 at around 14.30, the Laksuar Merah Putih and Mahidi militias and members of the TNI and POLRI attacked refugees staying in the Suai Church complex. The attack was directly led by the Regent of Covalima, Herman Sediono and the Suai subdistrict military commander, 1st Lieutenant Sugito. Before this, the militias threatened to kill all of the priests and both male and female refugees. At the time there were approximately 100 refugees staying in the church complex and an unknown number of refugees outside the complex. Father Hilario was shot once in the chest and Igidio Manek a Laksuar militia member stepped on the priest's body. Father Fransisco was stabbed and sliced by Americo, also a member of the Laksuar militia. Another witnessed, Domingos dos Santos, saw Father Dewanto killed in the old church. At the time of the attack, the Police, the Loro Sae Mobile Brigade Contingent and members of the TNI were outside of the fence shooting refugees who tried to flee outside the church complex. It is thought that at least 50 people were murdered in this incident.

Twenty-six of the corpses were hauled by a truck and two cars and were buried in Alas Village, Wemasa District, Belu Regency. The burying of the corpses was directed by Suai subdistrict military commander, 1st Lieutenant Sugito along with three members of the TNI and a contingent of Laksaur militia. The corpses were transported from Suai at around 08.30 by 1st Lieutenant Sugito and his cohorts, after passing by the Metamauk Police Post in the Wemasa, West Timor area. The exhumation of the mass grave of the Suai Church victims found there to be 16 males, 8 females and 2 corpses whose gender could not be determined, ranging in age from 5 to around 40 years of age.

Murder of a Dutch journalist

A Dutch journalist, Sander Thoenes was killed on September 21. His body was found by locals in Becora, East Dili the next day, September 22. It is thought that Sander Thoenes left the Tourismo Hotel, Dili between

16.30 and 17.45 on a motorcycle driven by Florinda da Conceicao Araujo heading for Becora, Dili. The two men had gone only 300 meters when they were stopped by unknown persons travelling on three motorcycles, a truck and a car. The unknown attackers wore TNI uniforms and carried automatic weapons. The unknown persons shot at Sander Thoenes and Florinda da Conceicao Araujo, but Araujo was able to escape. At the time, Battalion 745 was crossing through the area.

Killing of religious figures in Los Palos

On September 25, a group of religious figures was attacked while on the road to Baucau. The attack was carried out by Tim Alfa militia, led by Joni Marques Nine people were killed, including the Indonesian journalist, Agus Mulyawan. This incident is believed to have been on the order of a Kopassus unit working with a Tribuana unit. The bodies were thrown into the Raumoko River and the vehicle the group was travelling in was burned up.

Violence against women

Sexual Slavery

At the end of September, at the refugee camp in the village of Raehanek, Belu, West Timor, women and children of suspected pro-independence families forced out of a car near the village administration office. They were separated from the other refugees as they were thought to be pro-independence supporters. They were placed in special tents and by members of the Laksaur militia and forced to satisfy sexual desires of militia members each night. One of the women was still a nursing mother. If the women refused, they were threatened with death. One of the female refugees was shot in the back with a homemade weapon and still experiences trauma from the experience.

On September 6, two teenage girls from Ainaro were abducted and forced to become sexual slaves by the commander of a Mahidi militia contingent. While controlled by the militia, the two victims were gang raped repeatedly for weeks by the militia members.

On June 6, twenty-three women were held against their will by Besi Merah Putih Militia near Gugleur, Maubara, Liquica. They were held and forced to cook, clear and provide sexual services.

On September 5, a girl named Alola a third level junior high school student from Suai - and other women were forcibly brought to the Laksaur headquarters by Laksuar contingent commander Manel E. Gidu in Raihanek, Belu, West Timor and forced to become sex slaves of the Laksuar militia. Witnesses and the mother of the victim twice attempted to secure the release of the victim, but were refused by the militia.

Rape

Rape took place at the district military command of Covalima on September 6, after several women were taken there following the Suai church massacre. Laksaur militia members tried to rape them. On September 7, one young girl among them, Martinha, was forcibly taken by a Laksaur militia head named Olipio Mau and raped. When the girl was abducted, her family went immediately to report to the district military commander, but he was not there, so they reported to the cashier the next day but never received any response. The girl was returned home only in the afternoon.

Description of Victims and Perpetrators

Victims

KPP-HAM witnessed tremendous losses of both life and property resulting from the reign of violence in East Timor from January October 1999. Those who lost their lives were chosen due to their political views and included high school and university students and CNRT activists.

Even those who had no political affiliation, such as women and children and religious figures were also victims of violence such as happened during the massacre at the Suai Church on September 6, 1999.

There were some victims from among the pro-autonomy supporters.

In addition, KPP-HAM discovered female victims of sexual violence who were molested by both the militia and the authorities in East Timor and in the refugee camps in West Timor. Property losses included both private property, public infrastructure and other social cultural facilities.

Perpetrators

There were three main kinds of perpetrators identified by KPP-HAM as those responsible for the campaign in East Timor. First, those who committed crimes directly, including militia members, TNI and POLRI. Second, those who ran the field operations in the civilian bureaucracy including district heads (bupati), the governor and local military and local police officials. Third, those who held responsibility for security policy, including high level military officials who were involved and knew about the reign of violence but failed to do anything to prevent it.

Violent acts were also committed by those who opposed the special autonomy option, such as the Falintil. Accounts of these crimes are found in the reports of the Peace and Stability Commission and the reports of government and military officials that were submitted to KPP-HAM.

Part VI
CONCLUSIONS AND RECOMMENDATIONS

During the compilation of this report and summary to be submitted to KOMNASHAM, KPP HAM carefully considered all of the findings in the field, statements from witnesses, victims, perpetrators and other parties, official and unofficial reports and documents and various other sources of information. KPP HAM has also taken into consideration all reports and other materials that were compiled by both UNTAET and INTERFET during their respective investigations.

Due to the various restrictions involving time, facilities and infrastructure, as well as the efforts of certain parties to destroy evidence, the findings of KPP HAM gives only a partial picture of the human rights violations that occurred.

KPP HAM was able to gather facts and evidence that strongly indicates a planned, systematic, wide-scale and gross violation of human rights, mass murders, torture and ill-treatment, disappearances, violence against women and children (including rape and sexual slavery), forced evacuation, property destruction and implementation of a scorched-earth campaign, all of which constitute crimes against humanity.

KPP HAM also found strong evidence of the loss and destruction of evidence that constitutes a criminal act.

From all of the facts and evidence gathered, KPP HAM did not find proof of criminal genocide.

The facts and evidence also shows that the civil authorities and military, including the police force, worked in cooperation with the militias to create conditions that supported crimes against humanity, and which were carried out by the civil authorities, military, police and the militias.

The militia forces under various names throughout the territory, were directly or indirectly established as Wanra People's Defense, Kamra People's Security and Pamswakarsa Security Forces and were directly an indirectly armed, trained, supported and funded by the civil, military and police authorities.

The types of acts and the pattern of crimes against humanity were as follows:

Mass Murders

Mass murders resulting in a large number of civilian casualties were carried out systematically and cruelly in various locations. Generally the mass murders occurred in places of refuge such as churches, police and military headquarters. Sharp weapons and firearms were used in these attacks by the militias together with and or with the support of the military authorities or the military and police authorities allowed such crimes.

Torture and Ill-treatment

Systematic, large-scale and widespread torture and ill treatment of the pro-independence civilian population was carried out. The torture and ill treatment occurred at various times either before the victims were murdered or after the victims were indiscriminately detained to extract information. In some cases, the torture and ill treatment also occurred spontaneously as victims homes were raided. During the mass displacement of the population, torture and ill treatment of university and high school students and members of the CNRT was prevalent.

Forced disappearances

Forced disappearances occurred according to the following patterns. First, disappearances occurred during the recruitment of the militias. A number of civilians disappeared after refusing to join the militias. Second, disappearances occurred as a means of forcing the pro-independence supporters to submit. Third, there are reports that a number of students and pro-independence supporters disappeared as a result of continued militia activities in the refugee camps.

Sexual enslavement and rape

Sexual enslavement and rape occurred in civilian homes, military headquarters and refugee camps both before and after the popular consultation.

Scorched-earth campaign

The scorched-earth campaign was conducted before and after the announcement of the results of the popular consultation, during which the homes of civilians, various government offices and other buildings were destroyed. Before the popular consultation, the homes of pro-independence supporters were burnt to the ground. The campaign increased in intensity and scope after the results of the popular consultation were announced and involved the destruction of buildings and other property throughout most of East Timor.

Forced displacement and deportation

Terror and intimidation before the popular consultation resulted in the displacement of the population to various places of refuge such as churches and the mountains. After the results of the popular consultation were announced, a large-scale forced displacement and deportation of the population occurred with logistic and transportation support from the civil, military and police authorities in compliance with established plans. The forced displacement was the ultimate target of the various acts of violence and the scorched-earth campaign that occurred in many locations. Terror and intimidation were the means to ensure the forced displacement and deportation of the refugees and continues to be used to obstruct the return of the refugees to their homes. Until now, there are still many refugees who still are unable to return to their places of origin.

Destruction and loss of evidence

The destruction of evidence by the perpetrators of these crimes against humanity was planned and intentional and included the destruction of documents, mass burials and the relocation of corpses to hiding places. Mass graves are still be discovered.

There are three groups of perpetrators of these crimes against humanity, namely:

those who committed crimes directly in the field, including the militias and the military and police authorities;

those who ran the field operations in the civilian bureaucracy, including District Heads (Bupati), the Governor and local military and police officials;

and those who held responsibility for national security policy, including but not limited to, high-level military officials who actively or passively were involved in these crimes.

The involvement of the civil administration and the military including the police working together with the pro-integration militia groups in the aforementioned crimes against humanity constitutes a misuse of power and authority which resulted in the involvement of both military and civil institutions. In detail, the

aforementioned proof demonstrates that members of civil and military institutions, including the police, are suspected of involvement, including but not limited to, the following persons:

Governor, East Timor Abilio Soares District Head,
Dili Dominggos Soares District Head,
Covalima Colonel Herman Sediono District Head,
Liquica Leoneto Martins District Head Bobonaro Guilherme dos Santos
District Head, Lospalos Edmundo Conceicao E. Silva Commander,
Resort Military Command 164,
Wira Dharma (East Timor) Brigadier General FX Tono Suratman Commander,
Resort Military Command 164,
Wira Dharma (East Timor) Colonel M. Nur Muis Chief of Police,
East Timor Brigadier General Police Timbul Silaen
Sub-District Military Commander Suai (Covalima) First Lieutenant Sugito Head of Intelligence,
Bobonaro (Maliana) District Military Command First Lieutenant Sutrisno District Military Commander,
Bobonaro Lt. Col. Burhanuddin Siagian District Military Commander
Los Palos Col. Sudrajat, Battalion 744,
Dili Infantry Major Yakraman Yagus Commander,
Battalion 745,
Los Palos Infantry Major Jacob Sarosa Member,
Battalion 744,
Dili Private (First Class) Luis Commander of Company B,
Battalion 744 Captain Tatang
Kopassus Officer/Intelligence Task Force Dili Military Command Lt. Col. Yayat Sudrajat Staff,
District Military Command,
Liquisa Lieutenant Yacob;
Sgt. (2nd Class) Regional Military Commander IX,
Udayana Major General Adam Damiri Security Advisor,
Indonesian Task Force for the Implementation of The Popular Consultation in East Timor Major
General Zacky Makarim Commander ,
Aitarak Militia Eurico Gutteres Commander,
Laksaur Militia Olivio Moruk Commander,
Laksaur Militia Martinus Member,
Laksaur Militia Manek Commander,
Tim Alfa Militia Joni Marquez Members,
Tim Alfa Militia Joao, Manuel, and Amilio da Costa Commander,
Besi Merah Putih Militia Manuel Sousa Commander,
Halilintar Militia Joao Tavares

Other names involved either directly or indirectly can be found in the complete report.

All crimes against humanity in East Timor, directly or indirectly occurred because of the failure of the Armed Forces Commander to guarantee security during the implementation of the announcement of the two options by the government. The police structure which, at the time, was still under the command of the Defense Ministry had already weakened the ability of the police force to carry out its security duties based on the New York agreements. In view of this, Armed Forces General Wiranto as Armed Forces Commander is the party that must be asked to bear responsibility.

As a special note, KPP HAM feels that without prejudice to the rights of the parties under investigation to seek the best legal assistance, the fact that all of those under investigation, with the exception of the militias, have obtained legal assistance from the TNI Officials Human Rights Advocacy Team, any conflict of interest among those under investigation has been avoided. There is a strong possibility conflicts of interest will arise among the TNI officials, police officials, the former Coordinating Minister of Politics and Security and the former Minister of Foreign Affairs. This fact, whether directly or indirectly, could obstruct investigation efforts to gather facts and uncover the truth and is a hindrance, therefore, to upholding the law and justice.

Recommendations:

Based on the conclusions contained above, KPP HAM presents the following recommendations:

76. Requests the Attorney General to conduct investigations into the perpetrators suspected of involvement in serious human rights violations, especially but not limited to those named in the conclusions above.

77. Requests the Government to make protocol arrangements to gain access to all the new facts and proof about human rights violations in East Timor up to now which UNTAET and other international bodies are in the process of uncovering.

78. Requests the parliament and the government to form a Human Rights Court with the authority to try the perpetrators of human rights violations and crimes against humanity relating to national and international law (Human Rights and Humanitarian Law). The Human Rights Court in question must have the authority to try human rights violations occurring in the past as well as those that have occurred in East Timor to the present.

79. Requests the Government to immediately ratify international human rights instruments that are important to the upholding of human rights in Indonesia including, but not limited to, the Covenant on Civil and Political Rights and the First Optional Protocol.

80. Requests the Government to provide security guarantees to all witnesses and victims.

81. Requests the Government to strive to provide rehabilitation and fair compensation to the victims and their families.

82. Requests the Government to state clearly that each case of gender-based violence is a human rights violation. In addition, the government is responsible for providing various forms of service (psychiatric, psychological) and other compensation to the victims.

83. Calls upon the National Human Rights Commission in the interests of truth and justice as well as in the interests of history to carry out full investigations of all human rights violations in East Timor since 1975. The results of these investigations must be made into a formal human rights document.

84. Urges the Government to conduct a repositioning, redefinition and renewal of the armed forces (TNI) so that it becomes a security institution within a democratic country that holds human rights in high esteem. For that to be achieved, the TNI's additional functions need to be abolished, in particular the territorial functions that up to now have become a restriction and hindrance to the good functioning of the police and civil administration.

85. Calls on the Government to guarantee the function of upholding the law as well as security and community order. In this context, the institution of the police must be fully separated from the TNI. In addition there is a need for a strengthening and empowering of the police force through professional training and demilitarization of the police force.

86. Urges the Parliament and the Government to regulate intelligence institutions and activities through laws that guarantee that state intelligence functions are carried out wholly in the interests of national and community security so that they do not become an instrument for violating human rights.

87. Calls upon the Government and the Attorney General to ensure that the legal process concerning crimes against humanity - - whoever is the perpetrator, including members of the military; is conducted freely and independently without any interference whatsoever.

88. Requests the Government to facilitate and erase all restrictions and pressure that will hamper the return of refugees who want to return home. In this regard, UNTAET is requested to provide legal and security guarantees for those returning to East Timor.

Jakarta, 31 January 2000
Commission to Investigate Human Rights Violations in East Timor

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